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9 1111 Broadway, 24th Floor
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13 Attorneys for Defendants
14 MARK GARIBALDI and THE GARIBALDI COMPANY

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 EDITH MACIAS, individually and on
18 behalf of similarly situated individuals;
19 HOTON DURAN; TIFFANY HUYNH;
20 AURA MENDIETA; WILLIAM
21 LABOY; MIGUEL ACOSTA; CRUZ
22 ACOSTA; CUAUHTEMOC TORAL,
23 TERESA VILLEGAS, KAPIKA
24 SALAMBUE and MARINA DURAN,

25 Plaintiffs,

26 vs.

27 THOMAS J. TOMANEK; and MARK
28 GARIBALDI, individually and doing
business as THE GARIBALDI
COMPANY,

Defendants.

CASE NO. C07 3437 JSW

DECLARATION OF JOHN S.
BLACKMAN IN SUPPORT OF
DEFENDANT THE GARIBALDI
COMPANY'S MOTION TO BE
DECLARED PREVAILING PARTY
AND FOR ATTORNEY'S FEES AND
COSTS

DATE: March 14, 2008
TIME: 9:00 A.M.
COURTROOM: 2, 17th Floor
JUDGE: Hon. Jeffrey S. White

Date Action Filed: June 29, 2007

I, John S. Blackman, declare under penalty of perjury under the laws of the State of California as follows:

1. I am an attorney at law, duly licensed to practice before all the courts of this state, and am a shareholder of Farbstein & Blackman, A Professional Corporation, one of the attorneys of record for defendant THE GARIBALDI COMPANY (hereinafter

1 referred to as "GARIBALDI"). The following facts are within my personal knowledge
2 and, if sworn to testify, I would testify competently thereto.

3 2. Attached to the Declaration of defense co-counsel Sara Allman as exhibits
4 are true and correct copies of the court's order that granted defendant's motion to dismiss,
5 the court's judgment pursuant to that dismissal, and an exemplar of the attorney's fees
6 language in each plaintiff's lease. Said documents are incorporated in Defendant
7 GARIBALDI'S application for fees as a prevailing party.

8 3. I am a civil trial attorney with over 24 years of experience in state and federal
9 court and am AV-rated by Martindale Hubbell.

10 4. The attorney's fees incurred in the defense of this action through December
11 31, 2007 by Farbstein & Blackman, APC on behalf of defendant GARIBALDI total
12 \$21,901.50. The costs incurred and charged to GARIBALDI in this action through
13 December 31, 2007 total \$23.55.

14 6. Attached hereto as Exhibit "A" are complete and correct billing statements
15 from Farbstein & Blackman, from the inception of this case in August of 2007 through
16 December 31, 2007. These billing statements accurately reflect the amount of hours spent
17 by members and employees of my law firm defending the within action. Exhibit "A"
18 reflects the time spent and hourly compensation at our usual and customary hourly billing
19 rate herein of \$185 for attorneys, and \$75.00 for paralegals. The identity of the
20 timekeepers on the attached billings are as follows: JSB is Attorney John S. Blackman;
21 GRG is Attorney Gary R. Gleason; PAB is Attorney Peggy A. Burton; STF is paralegal
22 Suzanne T. Farbstein; and CGD is paralegal Carol G. Devincenzi. Our firm bills in
23 increments of .10 of an hour, with a minimum .10 charge. The itemization sets forth the
24 services rendered in the matter by each timekeeper. The time records are maintained by
25 the Legalmaster computer system after manual entry into the system at the end of the
26 month after the date incurred.

27 7. Exhibit "A" contains the following invoices, showing the following dollars
28

incurred by my client in defending this action, through December 31, 2007:

<u>Statement Date</u>	<u>Amount of Fees/Costs Billed</u>
9/7/07	\$9,997.00
10/3/07	\$6,110.00 / \$23.55
11/5/07	\$4,030.50
12/4/07	\$1,470.00
1/3/08	\$294.00
TOTAL:	\$21,901.50 fees and \$23.55 costs = \$21,925.05

8. The total attorney's fees charged to GARIBALDI by the Farbstein law firm from January 1 through January 21, 2008, are \$4,443.00, and the total costs incurred for the same time period are \$0.00, for a total of \$4,443.00 in fees and costs from the Farbstein law firm from January 1 through January 21, 2008.

9. The total attorney's fees and costs charged to GARIBALDI by the Farbstein law firm from the inception of this action through January 21, 2008, i.e., just prior to the filing of this motion, are \$26,368.05. Said attorney's fees and costs are reasonable and were necessarily incurred in the defense of moving defendant GARIBALDI relative to the defense of this lawsuit.

8. On January 10, 2008, co-defense counsel Sara Allman and I met and conferred telephonically with plaintiffs' counsel, Chris Brancart and Elizabeth Brancart, for the purpose of attempting to resolve any disputes with respect to this motion. Defense counsel also followed up by correspondence to the Brancarts following review of legal authority cited by plaintiffs' counsel. No resolution was reached, rendering this motion necessary.

Executed this 23rd day of January, 2008, at San Mateo, California.

//S//

JOHN S. BLACKMAN

PROOF OF SERVICE

Macias v. Tomanek, , Mark Garibaldi, The Garibaldi Company
 USDC, Northern California, Case No. C 07-3437 JSW

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is 411 Borel Avenue, Suite 425, San Mateo, California 94402-3518. My electronic notification address is stf@farbstein.com. On January 23, 2008, I served the following document(s):

**DECLARATION OF JOHN S. BLACKMAN IN SUPPORT OF DEFENDANTS
 GARIBALDI'S MOTION FOR ATTORNEY'S FEES**

on the following person(s) by the method(s) indicated below:

Elizabeth Noonan Brancart, Esq. Christopher A. Brancart, Esq. Brancart & Brancart P. O. Box 686 Pescadero, CA 94060	Attorneys for plaintiffs Tel: 650-879-0141 Fax: 650-879-1103 email: cbrancart@brancart.com ebrancart@brancart.com
Sara B. Allman, Esq. Allman & Nielsen 100 Larkspur Lndg Cir #212 Larkspur, CA 94939	Attorneys for defendant Thomas J. Tomanek Tel: 415-461-2700 Fax: 1-415-461-2726 all-niel@pacbell.net

- ☐ by transmitting via facsimile on this date from fax number (650) 554-6240 the document(s) listed above to the fax number(s) set forth herein. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmission report is attached to this proof of service. Service by fax was made by agreement of the parties confirmed in writing.
- ☒ by placing the document(s) listed above in a sealed envelope(s) with postage thereon fully prepaid, for deposit in the United States mail at San Mateo, California addressed as set forth herein. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid in the ordinary course of business.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth herein. Signed proof of service by the process server or delivery service is attached to this proof of service.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth herein.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth herein. A copy of the consignment slip is attached to this proof of service.

1 [X] by transmitting the document(s) listed above via the Court's ECF system to the persons
2 at the email address(es) set forth herein. The transmission was completed before 5:00
p.m. and was reported complete and without error.

3 I declare under penalty of perjury under the laws of the United States and the State of
4 California that the above is true and correct. Executed at San Mateo, California, on January
23, 2008.

5 
6 SUZANNE T. FARBSTEN
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Farbstein & Blackman, A Professional Corporation
411 Borel Avenue, Suite 425
San Mateo, CA 94402
(650) 554-6200
Federal Tax I.D. No. 94-2456928

September 7, 2007

Philadelphia Insurance Company
[REDACTED]

One Bala Plaza, Suite 100
P. O. Box 950
Bala Cynwyd PA 19004

Mark Garibaldi
The Garibaldi Company
3525 W. Benjamin Holt Drive
Stockton CA 95219

Our Case # PIC3-070
Invoice number 17929

Re: Macias v. Tomanek, et al.
Insured: The Garibaldi Company
Claim No. PHCL 07080 279570

Current Fees	\$9,997.00

Total Current Charges	\$9,997.00

Total Due	\$9,997.00
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EXHIBIT A

Farbstein & Blackman, A Professional Corporation

September 7, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 17929

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
08/15/07	STF	Download and print and review documents forwarded by carrier; calendar response date; review court's docket and download and print selected pleadings; review Case Management Order and Scheduling Order; update master calendar	1.4	105.00
08/17/07	JSB	Review and analyze pleading: Complaint and begin drafting memo summarizing same (begin)	1.1	203.50
08/17/07	JSB	Legal research re: class action requirements (substantive, pleading, and procedural) (begin)	1.3	240.50
08/17/07	STF	New file intake: review documents received from carrier; update master calendar; create master list; open physical, electronic and billing files	1.0	75.00
08/20/07	JSB	Conclude review and analysis of Complaint and preparation of memo summarizing same	2.0	370.00
08/20/07	JSB	Legal research re: federal class action requirements	0.6	111.00
08/20/07	JSB	Legal research re: validity of defamation claim in connection with credit reporting	0.7	129.50

Farbstein & Blackman, A Professional Corporation

September 7, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 17929

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
08/20/07	JSB	Legal research re: case law re: Civil Code Section 1950.5 security deposit requirements (begin)	1.5	277.50
08/20/07	JSB	Research plaintiffs' attorneys	0.4	74.00
08/21/07	GRG	Consult regarding federal court issues re: motions to dismiss	0.3	55.50
08/21/07	JSB	Conference with S. Farbstein and P. Burton re: research for motion to dismiss	0.4	74.00
08/21/07	JSB	Prepare pleading: Begin drafting Rule 12(b)(6) motion to dismiss	3.3	610.50
08/21/07	JSB	Legal research re: statute of limitations on Civil Code Section 1950.5 claim	1.2	222.00
08/21/07	PAB	Strategize re: approach to motion to dismiss; Start research on statute of limitations and Business and Professions Code Section 17200 (Unfair Business Practices)	6.0	1,110.00
08/21/07	STF	Legal research re: elements of causes of action alleged in Complaint	4.8	360.00
08/21/07	STF	Further file organization; receipt of additional documents;		

Farbstein & Blackman, A Professional Corporation

September 7, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 17929

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		check court docket; review, download and print standing orders; review, download and print local court rules	1.0	75.00
08/22/07	JSB	Continue research and drafting of motion to dismiss and to strike	1.5	277.50
08/22/07	PAB	Start research on RICO claims; Draft memorandum re: applicable case law re: elements of cause of action	5.8	1,073.00
08/23/07	JSB	Telephone conference (extended) with T. Tittle at Garibaldi Company; Memo to file	0.5	92.50
08/23/07	JSB	Review and analyze research re RICO claim requirements (continuing)	1.0	185.00
08/23/07	JSB	Continue drafting motion to dismiss and motion to strike	1.5	277.50
08/23/07	JSB	Telephone conference (extended) with M. Quint, personal attorney for Tomanek	0.7	129.50
08/23/07	JSB	Telephone conference (extended) with C. Ciochan; Memo to file	0.7	129.50
08/23/07	JSB	Telephone conference (extended) with C. Ciochan, M. Quint and S. Allman, conference call	1.2	222.00
08/23/07	JSB	Prepare correspondence to		


Farbstein & Blackman, A Professional Corporation

September 7, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 17929

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
			0.4	74.00
08/23/07	PAB	Research and draft memo re: statute of limitations for all causes of action	3.0	555.00
08/23/07	PAB	Continue researching and drafting of memo on RICO claims	1.7	314.50
08/24/07	STF	Prepare correspondence to S. Allman and transmit with Sitpulation to Englarge Time to Respond to Complaint	0.2	15.00
08/27/07	JSB	Continue legal research on elements and rules for pleading RICO allegations, and case law	2.0	370.00
08/27/07	JSB	Review and analyze correspondence from C. Ciochon (3)	0.2	37.00
08/27/07	JSB	Review and analyze correspondence from M. Quint	0.1	18.50
08/27/07	JSB	Prepare correspondence to C. Ciochon and M. Quint	0.3	55.50
08/27/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
08/27/07	JSB	Review and analyze more underlying file materials forwarded by C. Ciochon	1.2	222.00
08/27/07	STF	Download, print and organize documents forwarded by Wendel Rosen		

Farbstein & Blackman, A Professional Corporation

September 7, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 17929

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		& Dean	0.3	22.50
08/28/07	JSB	Further legal research on RICO claims and mail fraud sub-elements for pleading purposes, and continue drafting motion to dismiss	6.5	1,202.50
08/28/07	STF	Check court's docket re: Stipulation to Enlarge Time; download and print	0.2	15.00
08/28/07	STF	Download, print and organize five volumes of tenant files	1.6	120.00
08/29/07	JSB	Review and analyze tenant files provided by C. Ciochon (preliminary review)	1.5	277.50
08/29/07	JSB	Further drafting of motion to dismiss and motion to strike	1.0	185.00
08/29/07	STF	Modify master proof of service for inclusion of service by electronic transmission	0.2	15.00
Current Fees			60.4	\$9,997.00

Summary	Hours	Rate	Amount
PAB	16.50	185.00	3,052.50
GRG	0.30	185.00	55.50
JSB	32.90	185.00	6,086.50
STF	10.70	75.00	802.50

Farbstein & Blackman, A Professional Corporation
411 Borel Avenue, Suite 425
San Mateo, CA 94402
(650) 554-6200
Federal Tax I.D. No. 94-2456928

October 3, 2007

Philadelphia Insurance Company
Frank Koehler
One Bala Plaza, Suite 100
P. O. Box 950
Bala Cynwyd PA 19004

Mark Garibaldi
The Garibaldi Company
3525 W. Benjamin Holt Drive
Stockton CA 95219

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.
Insured: The Garibaldi Company
Claim No. PHCL 07080 279570

Balance forward

17929 09/07/07	9,997.00	0.00	9,997.00
Net balance forward			\$9,997.00
Current Fees			\$6,110.00
Current Costs			\$23.55
Total Current Charges			----- \$6,133.55 -----
Total Due			\$16,130.55 =====

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
09/04/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
09/04/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
09/04/07	JSB	Prepare correspondence to S. Allman	0.2	37.00
09/04/07	JSB	Correspondence among S. Allman, C. Ciochon and M. Quint	0.2	37.00
09/05/07	JSB	Review and analyze correspondence from C. Ciochon with drafting suggestions re: motion to dismiss	0.8	148.00
09/05/07	JSB	Continue legal research and drafting of motion	4.5	832.50
09/05/07	JSB	Telephone conference (extended) with conference call with C. Ciochon, M. Quint and S. Allman; prepare memorandum to file re: same	1.1	203.50
09/06/07	JSB	Review and analyze file and prepare correspondence to [REDACTED]	1.2	222.00
09/06/07	JSB	Continue research and drafting of motion to dismiss	2.0	370.00
09/06/07	STF	Edit and format motion to dismiss; draft Notice of Motion and Motion; review		

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		local court rules, Judge's Standing Orders, Judge's Court Schedule; conference with J. Blackman and select hearing date; update master list	2.4	180.00
09/06/07	STF	Calendar hearing dates for motion to dismiss and related events	0.3	22.50
09/10/07	JSB	Prepare correspondence to C. Ciochon	0.1	18.50
09/10/07	JSB	Review and analyze correspondence from S. Allman (multiple)	0.2	37.00
09/10/07	JSB	Prepare correspondence to co-counsel (multiple)	0.2	37.00
09/10/07	JSB	Telephone conference with C. Ciochon	0.1	18.50
09/10/07	JSB	Continue research re: case law on RICO pleading requirements	2.0	370.00
09/11/07	JSB	Review and analyze correspondence from C. Ciochon (2)	0.3	55.50
09/11/07	JSB	Telephone conference (extended) with C. Ciochon	0.5	92.50
09/11/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
09/11/07	JSB	Review and analyze correspondence from M. Quint	0.1	18.50

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
09/12/07	JSB	Prepare for and attend conference call among all defense counsel; memo to file	0.8	148.00
09/12/07	JSB	Review and analyze correspondence from S. Allman (2)	0.2	37.00
09/12/07	JSB	Review and analyze correspondence from [REDACTED]	0.2	37.00
09/13/07	JSB	Review and analyze draft of Tomanek's Rule 12(b)(1) motion	0.4	74.00
09/13/07	JSB	Telephone conference with S. Allman	0.1	18.50
09/13/07	JSB	Prepare correspondence to [REDACTED]	0.3	55.50
09/13/07	JSB	Prepare correspondence to [REDACTED]	0.1	18.50
09/13/07	JSB	Review and analyze suggested edits by C. Ciochon to motions; further legal research and prepare final revisions to motion to dismiss	2.0	370.00
09/14/07	JSB	Work on finalizing motion to dismiss	0.8	148.00
09/14/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
09/14/07	JSB	Prepare correspondence to all defense counsel	0.1	18.50

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
09/14/07	JSB	Prepare correspondence to [REDACTED]	0.1	18.50
09/14/07	STF	Prepare pleading: Proposed Order re: Motion to Dismiss	0.5	37.50
09/14/07	STF	Prepare pleading: Certification of Interested Parties	0.4	30.00
09/14/07	STF	Telephone conference with C. Ciochan (3x)	0.2	15.00
09/14/07	STF	Prepare correspondence to M. Quint	0.2	15.00
09/14/07	STF	Prepare correspondence to C. Ciochan	0.2	15.00
09/14/07	STF	Calendar Tomanek's Motion to Dismiss and Caribaldi's Motion to Dismiss	0.4	30.00
09/14/07	STF	Edit, format, finalize Motion to Dismiss; file electronically; serve electronically and by US mail	3.5	262.50
09/17/07	JSB	Telephone conference (extended) with C. Ciochan	0.2	37.00
09/17/07	JSB	Review and analyze correspondence from M. Quint	0.1	18.50
09/17/07	JSB	Prepare correspondence to M. Quint	0.1	18.50
09/17/07	STF	Download, print and review Order from Court; update master calendar	0.3	22.50

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
09/17/07	STF	Prepare correspondence to Mr. Quint	0.2	15.00
09/17/07	STF	Prepare correspondence to C. Ciochon	0.2	15.00
09/19/07	JSB	Conference call with all co-counsel	0.4	74.00
09/19/07	JSB	Conference call with S. Allman and plaintiff's attorney, E. Brancart	0.3	55.50
09/19/07	JSB	Telephone conference (extended) with J. Ottolini, Judge White's Clerk	0.4	74.00
09/19/07	JSB	Prepare pleading: Draft stipulation and proposed order re: new hearing date and Case Management deadlines	0.7	129.50
09/19/07	JSB	Prepare correspondence to S. Allman, C. Ciochon, M. Quint	0.4	74.00
09/20/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
09/20/07	JSB	Telephone conference with E. Brancart	0.1	18.50
09/20/07	JSB	Prepare correspondence to all defense co-counsel	0.1	18.50
09/20/07	JSB	Review and analyze correspondence from M. Quint	0.1	18.50
09/20/07	JSB	Review and analyze correspondence from C.		

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		Ciochon	0.1	18.50
09/20/07	JSB	Telephone conference with E. Brancart	0.1	18.50
09/20/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
09/20/07	STF	Edit and finalize Stipulation and Order to Reschedule Hearings on Motions to Dismiss and Case Management Conference and ADR Schedule; file with the Court	0.5	37.50
09/20/07	STF	Prepare pleading: Amended Stipulation and Order; file with the Court; telephone conference with Docket Clerk; telephone conference with Calendar Clerk	0.5	37.50
09/21/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
09/21/07	JSB	Review and analyze correspondence from [REDACTED]	0.2	37.00
09/21/07	JSB	Prepare correspondence to [REDACTED]	0.2	37.00
09/21/07	STF	Organize all pleadings and create master index of all pleadings and Court Orders	1.2	90.00
09/21/07	STF	Update master calendar with new dates for Case		

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		Management Conference, meet & confer, and initial disclosure dates per Order signed 9/20/2007	0.5	37.50
09/21/07	STF	Prepare correspondence to M. Quint	0.2	15.00
09/21/07	STF	Prepare correspondence to C. Ciochon	0.2	15.00
09/24/07	JSB	Review and analyze correspondence from C. Ciohan	0.2	37.00
09/27/07	JSB	Prepare for and attend conference call with all defense counsel	0.6	111.00
09/27/07	JSB	Prepare correspondence to all defense counsel	0.2	37.00
09/27/07	JSB	Perform damages calculations and [REDACTED] [REDACTED] [REDACTED] prepare memorandum to file re: same	2.2	407.00
09/27/07	STF	Download, print and organize nine draft Offers of Judgment	0.3	22.50
09/27/07	STF	Review email from J. Blackman and update master calendar	0.2	15.00
09/28/07	JSB	Review and analyze correspondence from E. Brancart	0.2	37.00
09/28/07	JSB	Review and analyze		

Farbstein & Blackman, A Professional Corporation

October 3, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18006

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		pleading: First Amended Complaint	0.7	129.50
09/28/07	JSB	Review and analyze plaintiff's cited authorities	0.4	74.00
09/28/07	JSB	Continue work [REDACTED]	0.7	129.50
Current Fees			40.4	\$6,110.00

Summary	Hours	Rate	Amount
JSB	28.00	185.00	5,180.00
STF	12.40	75.00	930.00

	Costs items	Amount
09/14/07	Photocopies and postage re: Motion to Dismiss	23.55
Current Costs		\$23.55

Farbstein & Blackman, A Professional Corporation
 411 Borel Avenue, Suite 425
 San Mateo, CA 94402
 (650) 554-6200
 Federal Tax I.D. No. 94-2456928

November 5, 2007

Philadelphia Insurance Company
 Frank Koehler
 One Bala Plaza, Suite 100
 P. O. Box 950
 Bala Cynwyd PA 19004

Mark Garibaldi
 The Garibaldi Company
 3525 W. Benjamin Holt Drive
 Stockton CA 95219

Our Case # PIC3-070
 Invoice number 18167

Re: Macias v. Tomanek, et al.
 Insured: The Garibaldi Company
 Claim No. PHCL 07080 279570

Balance forward

17929 09/07/07	9,997.00	0.00	9,997.00
18006 10/03/07	6,133.55	0.00	6,133.55
	-----		-----
	16,130.55	0.00	
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Net balance forward \$16,130.55

Current Fees \$4,030.50

Total Current Charges \$4,030.50

Total Due \$20,161.05

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November 5, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18167

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
09/14/07	GRG	Review Federal Procedural issue re: disclosure statement	0.3	55.50
10/01/07	JSB	Telephone conference (extended) with C. Ciochon	0.7	129.50
10/01/07	JSB	Further [REDACTED] [REDACTED] analysis and prepare correspondence to Ciochon re: same	0.8	148.00
10/02/07	STF	Research Federal Rules of Civil Procedure re: time to answer First Amended Complaint and update master calendar	0.4	30.00
10/03/07	JSB	Prepare for and attend conference call with all co-defense counsel; prepare memorandum to file re: same	1.0	185.00
10/03/07	JSB	Prepare correspondence to S. Allman	0.2	37.00
10/03/07	JSB	Telephone conference with S. Allman	0.1	18.50
10/03/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
10/04/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
10/09/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
10/10/07	JSB	Review and analyze correspondence from E.		

Farbstein & Blackman, A Professional Corporation

November 5, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18167

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		Brancart	0.2	37.00
10/11/07	JSB	Telephone conference (extended) with J. Ottolini, Judge White's clerk	0.3	55.50
10/11/07	JSB	Prepare correspondence to S. Allman, M. Quint and C. Ciochon	0.3	55.50
10/11/07	JSB	Conference call with S. Allman, C. Ciochon and M. Quint	1.4	259.00
10/11/07	JSB	Continue comparison of first amended Complaint to original for purposes of motion to dismiss	1.5	277.50
10/11/07	JSB	Legal research re: class action remedies and effect of different remedies [REDACTED]	2.0	370.00
10/11/07	STF	Review email and update master calendar	0.2	15.00
10/15/07	JSB	Review and analyze correspondence from M. Quint with draft of Rule 68 Offers	0.3	55.50
10/16/07	JSB	Review and analyze pleading: draft Motion to Dismiss First Amended Complaint	0.8	148.00
10/16/07	JSB	Legal research re: RICO issues, suggested changes to brief re: Motion to Dismiss	0.7	129.50

Farbstein & Blackman, A Professional Corporation

November 5, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18167

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
10/16/07	JSB	Review and analyze correspondence from C. Ciochon	0.2	37.00
10/16/07	JSB	Review and analyze correspondence from M. Quint	0.2	37.00
10/16/07	JSB	Prepare for and attend conference call with all defense counsel; prepare memorandum to file re: same	0.8	148.00
10/16/07	STF	Begin work on Table of Authorities re: Motion to Dismiss	1.0	75.00
10/17/07	JSB	Prepare correspondence to E. Brancart	0.2	37.00
10/17/07	JSB	Review and analyze correspondence from E. Brancart	0.1	18.50
10/17/07	STF	Work on Motion to Dismiss Amended Complaint; check Judge White's hearing calendar and select hearing date; prepare Notice of Motion; update Caption	1.3	97.50
10/18/07	STF	Draft Proposed Order re: Motion to Dismiss First Amended Complaint; make edits and finalize proposed order; file electronically and serve by mail	0.6	45.00
10/18/07	STF	Motion to Dismiss First Amended Complaint: make edits and format final		

Farbstein & Blackman, A Professional Corporation

November 5, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
 Invoice number 18167

Re: Macias v. Tomanek, et al.

Emp	Services	Hours	Amount
	draft; create table of contents; further work on table of authorities; further edits; revise table of contents and table of authorities; file electronically; serve by mail	2.5	187.50
10/19/07 STF	Review two scheduling orders from Judge White; update master calendar re: Tomanek's and Garibaldi's Motions to Dismiss First Amended Complaint	0.4	30.00
10/23/07 JSB	Review and analyze correspondence from E. Brancart	0.1	18.50
10/23/07 JSB	Review and analyze correspondence from S. Allman	0.1	18.50
10/23/07 JSB	Prepare correspondence to E. Brancart	0.1	18.50
10/23/07 JSB	Prepare correspondence to C. Ciochon and M. Quint	0.1	18.50
10/23/07 JSB	Conference with paralegal C. Devincenzi re: investigation and analysis of tenant files	0.2	37.00
10/26/07 JSB	Review and analyze pleading: Order re: re-setting briefing schedule	0.1	18.50
10/26/07 PAB	Review First Amended Complaint in detail and revise memo re:		

Farbstein & Blackman, A Professional Corporation

November 5, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18167

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
		summarizing original complaint, and compare changes	4.2	777.00
10/29/07	CGD	Begin review and summary of tenant files [REDACTED]		
		[REDACTED]	1.5	112.50
10/29/07	JSB	Review and analyze correspondence from [REDACTED]	0.1	18.50
10/29/07	JSB	Prepare correspondence to [REDACTED]	0.5	92.50
10/29/07	JSB	Review and analyze correspondence from C. Ciochon	0.3	55.50
10/29/07	JSB	Prepare correspondence to [REDACTED]	0.1	18.50
10/29/07	STF	Download, print and review Judge White's signed Order amending briefing schedule on Motions to Dismiss First Amended Complaint; update master calendar	0.3	22.50
10/30/07	STF	Prepare correspondence to M. Quint	0.2	15.00
10/30/07	STF	Prepare correspondence to C. Ciochon	0.2	15.00
		Current Fees	26.9	\$4,030.50

Farbstein & Blackman, A Professional Corporation

November 5, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18167

Re: Macias v. Tomanek, et al.

Summary	Hours	Rate	Amount
PAB	4.20	185.00	777.00
JSB	13.80	185.00	2,553.00
GRG	0.30	185.00	55.50
CGD	1.50	75.00	112.50
STF	7.10	75.00	532.50

Farbstein & Blackman, A Professional Corporation

411 Borel Avenue, Suite 425

San Mateo, CA 94402

(650) 554-6200

Federal Tax I.D. No. 94-2456928

December 4, 2007

Philadelphia Insurance Company

One Bala Plaza, Suite 100

P. O. Box 950

Bala Cynwyd PA 19004

Mark Garibaldi

The Garibaldi Company

3525 W. Benjamin Holt Drive

Stockton CA 95219

Our Case # PIC3-070

Invoice number 18216

Re: Macias v. Tomanek, et al.

Insured: The Garibaldi Company

Claim No. PHCL 07080 279570

Balance forward

17929 09/07/07	9,997.00	0.00	9,997.00
18006 10/03/07	6,133.55	0.00	6,133.55
18167 11/05/07	4,030.50	0.00	4,030.50

	20,161.05	0.00	

Net balance forward \$20,161.05

Current Fees \$1,470.00

Total Current Charges \$1,470.00

Total Due \$21,631.05

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Farbstein & Blackman, A Professional Corporation

December 4, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18216

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
11/01/07	CGD	Prepare files and summaries for renters' files [REDACTED] Enter data into chart	4.8	360.00
11/05/07	CGD	Complete review and summary of renters' files [REDACTED] [REDACTED]	3.5	262.50
11/07/07	JSB	Review and analyze file and telephone conference (extended) with [REDACTED]	0.4	74.00
11/07/07	JSB	Review and analyze correspondence from [REDACTED]	0.1	18.50
11/07/07	JSB	Prepare correspondence to [REDACTED]	0.1	18.50
11/13/07	JSB	Legal research re: case law cited in plaintiffs' brief in Opposition to motion to dismiss	2.0	370.00
11/15/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
11/15/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
11/15/07	JSB	Prepare correspondence to S. Allman and C. Ciochon	0.2	37.00
11/15/07	STF	Review email exchange among defense counsel; update master calendar	0.2	15.00

Farbstein & Blackman, A Professional Corporation

December 4, 2007

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18216

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
11/16/07	JSB	Telephone conference (extended) with C. Ciochon and S. Allman	0.8	148.00
11/19/07	JSB	Review and analyze correspondence from C. Ciochon (2)	0.1	18.50
11/19/07	JSB	Prepare correspondence to C. Ciochon (2)	0.3	55.50
11/19/07	JSB	Telephone conference with C. Ciochon	0.1	18.50
11/20/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
11/20/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
Current Fees			13.0	\$1,470.00

Summary	Hours	Rate	Amount
JSB	4.50	185.00	832.50
STF	0.20	75.00	15.00
CGD	8.30	75.00	622.50

Farbstein & Blackman, A Professional Corporation

411 Borel Avenue, Suite 425

San Mateo, CA 94402

(650) 554-6200

Federal Tax I.D. No. 94-2456928

January 3, 2008

Philadelphia Insurance Company
[REDACTED]

One Bala Plaza, Suite 100

P. O. Box 950

Bala Cynwyd PA 19004

Mark Garibaldi

The Garibaldi Company

3525 W. Benjamin Holt Drive

Stockton CA 95219

Our Case # PIC3-070

Invoice number 18320

Re: Macias v. Tomanek, et al.

Insured: The Garibaldi Company

Claim No. PHCL 07080 279570

Balance forward

17929 09/07/07	9,997.00	0.00	9,997.00
18006 10/03/07	6,133.55	0.00	6,133.55
18167 11/05/07	4,030.50	0.00	4,030.50
18216 12/04/07	1,470.00	0.00	1,470.00

21,631.05	0.00
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Net balance forward	\$21,631.05
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Current Fees	\$294.00
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Total Current Charges	\$294.00
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Total Due	\$21,925.05
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January 3, 2008

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18320

Re: Macias v. Tomanek, et al.

	Emp	Services	Hours	Amount
12/11/07	STF	Update master caption	0.4	30.00
12/11/07	STF	Edit and format Stipulation and Order to Continue Case Management Conference	0.5	37.50
12/12/07	STF	Telephone conference with e. Brancart's office	0.1	7.50
12/12/07	STF	Review correspondence and signature page from E. Brancart; electronically file Joint Stipulation and Proposed Order and serve by mail	0.4	30.00
12/17/07	JSB	Review and analyze correspondence from C. Ciochon (2)	0.2	37.00
12/17/07	JSB	Review and analyze correspondence from S. Allman	0.1	18.50
12/17/07	JSB	Review and analyze correspondence from M. Quint	0.1	18.50
12/17/07	JSB	Review and analyze correspondence from [REDACTED] [REDACTED]	0.2	37.00
12/17/07	JSB	Review and analyze correspondence from C. Ciochon	0.1	18.50
12/17/07	JSB	Prepare correspondence to [REDACTED]	0.2	37.00
12/18/07	STF	Check court docket; download, print and review Court's Order; update master calendar	0.3	22.50

Farbstein & Blackman, A Professional Corporation

January 3, 2008

Philadelphia Insurance Company

Our Case # PIC3-070
Invoice number 18320

Re: Macias v. Tomanek, et al.

Current Fees	----- 2.6 -----	----- \$294.00 -----
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Summary	Hours	Rate	Amount
JSB	0.90	185.00	166.50
STF	1.70	75.00	127.50